ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1806

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 1806 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1807

At the request of Mr. CHAFEE, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 1807 intended to be proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1818

At the request of Mr. BYRD, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of amendment No. 1818 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1825

At the request of Mr. BOND, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 1825 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1834

At the request of Mr. CORZINE, his name and the name of the Senator from Florida (Mr. GRAHAM) were added as cosponsors of amendment No. 1834 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

At the request of Mr. BIDEN, his name was added as a cosponsor of amendment No. 1834 proposed to S. 1689, supra.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 1834 proposed to S. 1689, supra.

AMENDMENT NO. 1836

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 1836 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 1732. A bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to introduce a bill that is critical to rural America and long overdue. My bill would help to ensure that our rural communities continue to thrive and flourish by guaranteeing a safe, reliable water supply.

There is no comprehensive program in existence that rural communities can tap into to meet increasing demands for rural water infrastructure. My bill will remedy this problem by creating such a program within the Department of the Interior, specifically in the Bureau of Reclamation. My bill authorizes the Secretary of the Interior to undertake a competitive program to plan, design, and construct rural water supply projects in conjunction with non-Federal local entities.

To date, there is no Federal program specifically in place with the purpose of meeting the rural water needs of communities and tribes. As a result, we either offer piece meal help through EPA grants or communities turn to other programs that were originally designed for other purposes.

In the State of New Mexico alone, there are numerous projects that would benefit from a program such as the one I propose in this bill. Let me just share one example with you—the community of Chimayo, NM. Chimayo is in northern New Mexico tucked in the foothills of the beautiful Sangre de Christo Mountains. This historic and picturesque community is over 400 years old. Today, the small community of less than 3000 people is forced to haul water because they lack adequate infrastructure to service their homes. I know that other States in the west have communities with similar needs.

My bill requires the Secretary to look at whether or not a community has an urgent and compelling need, whether construction of a rural water system would help alleviate future water supply shortages, whether it would help improve health of water quality to name just a few. Additionally, my bill is based on the communities capability to pay. Again, I will speak about New Mexico where many of these communities are among the poorest. Yet, I don't believe that should preclude them from the most basic resource—a safe and reliable drinking water supply.

I know that many are aware of the on-going drought conditions in the west. Our best experts have predicted that this will only get worse. Many of America's rural communities are being hit the hardest by these worsening drought conditions. I believe my bill goes a long way in helping these already struggling communities. This issue is of such huge importance to me, that I intend to ask Senator MURKOWSKI to hold a Water and Power Subcommittee hearing on this bill as early as next week. We have critical needs that need to be addressed and I urge my fellow Senators to help ensure that we can indeed meet them.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as ''The Reclamation Rural Water Supply Act of 2003''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONSTRUCT.—The term ''construct'' means to—

(A) install new infrastructure; and

(B) upgrade or replace existing facilities that are associated with the new infrastructure authorized under this Act.

(2) INDIAN TRIBE.—The term ''Indian tribe'' means any Indian entity that is—

(A) included on the list of recognized tribes that the Secretary publishes in the Federal Register in accordance with section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1); and

(B) recognized by the Secretary as eligible to receive services from the Federal Government.

(3) NON-FEDERAL PROJECT ENTITY.—The term ''non-Federal project entity'' means a State, regional, or local authority, Indian tribe, or other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association.

(4) PROGRAM.—The term ''program'' means the rural water supply program established under section 3(a).

(5) PROJECT.—

(A) IN GENERAL.—The term ''project'' means a water supply project for communities, an Indian tribe, or dispersed homesites with domestic or rural water.

(B) INCLUSION.—The term ''project'' includes incidental livestock watering.

(6) RECLAMATION LAW.—The term ''Reclamation law'' means the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(7) RECLAMATION STATE.—The term ''Reclamation State'' means each of the States identified in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. RURAL WATER SUPPLY PROGRAM.

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal project entities, may carry out a rural water supply program to plan, design, and construct projects in Reclamation States.

(b) ELIGIBILITY CRITERIA.—

(1) IN GENERAL.—The Secretary shall develop and publish in the Federal Register criteria for determining the eligibility of a project for assistance under the program.

(2) CONSIDERATIONS.—The criteria developed under paragraph (1) shall take into account such factors as—

(A) whether a project serves—

(i) rural areas and communities; or

(ii) Indian tribes;

(B) whether there is an urgent and compelling need for a project that would—

(i) result in continuous, measurable, and significant water quality benefits;

(ii) address current or future water supply shortages; or

(iii) improve the health or aesthetic quality of water;

(C) whether a project helps meet any applicable legal requirements;

(D) whether a project—

(i) promotes and applies a regional or watershed perspective to water resource management or cross-boundary issues;

(ii) implements an integrated resources management approach;

(iii) increases water management flexibility; or

(iv) forms a partnership with other entities; and

(E) whether a project provides benefits outside the region in which the project is carried out.

(c) COST-SHARING REQUIREMENT.—

(1) FEDERAL SHARE.—The Federal share of the cost of the planning and construction of a project shall be the amount established by the Secretary in the feasibility report for the project under section 5(c)(1)(D)(i).

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the non-Federal share shall be not less than 25 percent of the cost of planning and construction of the project, but not more than the amount established by the Secretary in the feasibility report for the project under section 5(c)(1)(D)(i).

(B) REDUCED NON-FEDERAL SHARE.—The Secretary may reduce the non-Federal share of the cost of the planning and construction of a project under subparagraph (A) if the Secretary determines that the amount of the non-Federal share required by that subparagraph would result in economic hardship for the non-Federal project entity.

(C) LIMITATION.—Grants from other Federal sources shall not be credited toward the non-Federal share required by this paragraph.

SEC. 4. APPRAISAL INVESTIGATIONS.

(a) IN GENERAL.—On request of a non-Federal project entity, the Secretary, in cooperation with the non-Federal project entity and in consultation with appropriate State, regional, local, and tribal authorities, may conduct an appraisal investigation of a project to determine whether—

(1) the project meets the criteria developed under section (3)(b); and

(2) the Secretary should initiate a feasibility study under section 5(a).

(b) REPORT.—On completion of the investigation under subsection (a), the Secretary shall prepare an appraisal report that includes any recommendations of the Secretary with respect to whether a feasibility study should be initiated for the project under section 5(a).

(c) COSTS.—The Secretary shall pay the costs of any appraisal investigations conducted under this section.

SEC. 5. FEASIBILITY STUDIES.

(a) IN GENERAL.—The Secretary, in cooperation with a non-Federal project entity, may carry out studies to determine the feasibility of rural water supply systems recommended for study under section 4(b).

(b) STUDY CONSIDERATIONS.—In conducting a feasibility study under this section, the Secretary shall consider—

(1) the need for the proposed project;

(2) short- and long-term water demand and supplies in the study area;

(3) an evaluation of whether the resources in the study area are capable of providing a safe and reliable source of potable water to the communities and rural areas to be served;

(4) any reasonable alternatives to the proposed project (including nonstructural alternatives) that satisfy the need for action, including an alternative that is within the ability of the non-Federal project entity to pay operation, maintenance, and repair costs of the proposed project;

(5) the economic feasibility and cost effectiveness of the proposed project;

(6) impacts of the proposed project on the natural and human environment;

(7) appropriate water conservation measures; and

(8) the financial ability of the non-Federal project entity to pay—

(A) the non-Federal share of any planning and construction costs of the proposed project; and

(B) 100 percent of the operation, maintenance, and replacement costs allocated under subsection (c)(1)(C)(i).

(c) REPORT.—

(1) IN GENERAL.—On completion of a feasibility study under subsection (a), the Secretary shall prepare a report that—

(A) describes the engineering, environmental, and economic activities of the Secretary carried out under the study;

(B) takes into consideration—

(i) the range of potential solutions for, and the circumstances and needs of, the area to be served by the proposed project;

(ii) the potential benefits to the people of the study area; and

(iii) appropriate water conservation measures;

(C) includes a schedule that identifies—

(i) the amount of operation, maintenance, and replacement costs that should be allocated to each non-Federal project entity participating in the project; and

(ii) the current and expected financial ability of each non-Federal project entity to pay the allocated operation, maintenance, and replacement costs;

(D)(i) specifies the Federal and non-Federal share of the planning and construction costs of the project; and

(ii) allocates the non-Federal share among project beneficiaries; and

(E) includes the recommendations of the Secretary as to whether the project should be carried out under this Act.

(2) SUBMISSION TO CONGRESS.—With respect to any project that the Secretary recommends under paragraph (1)(E), the Secretary shall submit to Congress—

(A) the feasibility report for the proposed project prepared under paragraph (1);

(B) any environmental reports associated with the proposed project; and

(C) a request to develop and construct the proposed project, as appropriate.

(d) PRIORITIES.—The Secretary shall establish priorities for carrying out projects under this Act based on—

(1) the extent to which the project takes advantage of—

(A) economic incentives; and

(B) the use of market-based mechanisms;

(2) the cost benefit of the project versus other alternatives such as desalination;

(3) whether non-Federal project entities have adequate fiscal controls in place to manage the project; and

(4) the extent to which the project involves partnerships.

(e) COST-SHARING REQUIREMENT.—

(1) FEDERAL SHARE.—The Federal share of the cost of a feasibility study carried out under this section shall not exceed 50 percent of the study costs.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the study.

(f) REIMBURSEMENT OF COSTS.—If a project is constructed under the program, the Federal share of feasibility studies shall be—

(1) considered to be project costs; and

(2) reimbursed in accordance with Reclamation law.

SEC. 6. OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.

(a) IN GENERAL.—To be eligible to carry out a project under this Act, a non-Federal project entity shall establish, to the satisfaction of the Secretary, that the non-Federal project entity has the ability to pay all operation, maintenance, and replacement costs of the project facilities.

(b) PLAN.—The non-Federal project entity, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan to provide the necessary framework to assist the non-Federal project entity in establishing rates and fees for project beneficiaries.

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) AUTHORITY OF SECRETARY.—The Secretary may enter into contracts, financial assistance agreements, and such other agreements, and promulgate such regulations, as are necessary to carry out this Act.

(b) LIMITATION ON USE OF FUNDS.—None of the funds made available to the Secretary for planning or construction of a rural water supply project developed under the program may be used to plan or construct facilities used to supply water for irrigation.

(c) TITLE TO PROJECTS.—Title to the components of rural water supply projects planned, designed, and constructed under the program shall be held by the non-Federal project entity.

SEC. 8. EFFECT ON FEDERAL RECLAMATION LAW.

Nothing in this Act supersedes or amends—

(1) Reclamation law; or

(2) any Federal law associated with a project, or portion of a project constructed under Reclamation law.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $70,000,000 for fiscal year 2004 and each fiscal year thereafter.

(b) CONSTRUCTION COST INDEXING.—

(1) IN GENERAL.—Any amounts appropriated for the planning and construction of projects under this Act shall include such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after the completion date of the applicable feasibility report, to remain available until expended.

(2) COST SHARING.—The Federal and non-Federal share of cost increases due to inflation shall be allocated in amounts that are proportionate to the allocation determined under section 3(c).

By Mr. KOHL (for himself and Mr. KENNEDY):

S. 1733. A bill to authorize the Attorney General to award grants to States to develop and implement State court interpreter programs; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the State Court Interpreters Grant Program Act of 2003. This bill would create a modest Federal grant program to support the State court interpreter services. Currently, court interpreting services vary greatly by State—some States have highly developed programs, others are trying to get programs running but lack adequate funds, and still others have no program at all. This inconsistency creates the potential for poorly

translated court proceedings, or court proceedings that are not translated at all. It is critical that we protect the constitutional right to a fair trial by funding State court interpreter programs.

According to the 2000 Census, 18 percent of the population over age five speaks a language other than English at home. As these individuals with limited English proficiency come into the court system to seek redress or to defend themselves against allegations of civil or criminal wrongdoing, it is critical to the fair administration of justice that they be able to understand their court proceedings.

At the Federal level, court interpreting services are provided as needed by trained and certified interpreters. Similarly, some States have robust and effective court interpreter programs in their State courts. These States recruit, train, test and certify individuals in all necessary languages. However, many States have limited programs which may test and certify interpreters for only one language. Such States may have only a small number of interpreters certified to interpret courtroom proceedings. Still other States have no program at all. We have heard horror stories of ''amateur'' interpreters attempting to translate courtroom events. For example, the Philadelphia Inquirer reports: ''In one juvenile court, a juvenile defendant had to interpret for his parents. In a Monroe County [Pennsylvania] court, a member of an anti-domestic violence group was asked to interpret for an alleged victim, despite having a clear bias.''

The skills required of a court interpreter differ significantly from those required of other interpreters or translators. Legal English is a highly particularized area of the language, and requires special training. Although anyone with fluency in a foreign language could attempt to translate a court proceeding, the best interpreters are those that have been tested and certified as official court interpreters.

A lack of qualified interpreters can create serious problems in the justice system. For example, a poorly interpreted trial may be appealed on the grounds that justice was not administered fairly. Those appeals clog up the courts. In addition, where there are inadequate resources available, interpreters may not be able to keep up with the caseload and trials may be delayed unreasonably and in violation of a defendant's right to a speedy trial.

This is not just a State issue. First and foremost, the right to a fair trial is a federally protected right under the Constitution. The Federal Government therefore has a role to play in ensuring that State courts are holding fair trials. In addition, State budget crises have reduced the ability of the courts to pay for interpreter services. At the same time, requests for interpreter services have skyrocketed over the past several years all around the country. Although Spanish is by far the most requested language to be translated in courtrooms, court officials report regular or occasional need for Russian, German, French, Mandarin, Cantonese, Japanese, Taiwanese, Korean, Vietnamese, Afghani, Armenian, Punjabi, Hindi, Arabic, Somali, Polish and many other languages. The coincidence of budget cuts and increased demand threatens federally-guaranteed due process and justifies Federal assistance.

This legislation addresses this problem by authorizing $15 million for each of the next five fiscal years for a grant program to the States. Those States that apply would be eligible for a $100,000 base grant allotment. In addition, $5 million would be set aside for States that demonstrate extraordinary need. The remainder of the money would be distributed on a formula basis determined by the percentage of persons in that State over the age of five who speak a language other than English at home.

Support for this legislation comes from State court administrators across the country. In fact, the Conference of Chief Justices and Conference of State Court Administrators this summer adopted a resolution urging Congress to establish a national program to assist State courts in providing court interpreters services.

I hope my colleagues will help the court systems in their States to provide critical court interpreting services to their constituents.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''State Court Interpreter Grant Program Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the fair administration of justice depends on the ability of all participants in a courtroom proceeding to understand that proceeding, regardless of their English proficiency;

(2) 18 percent of the population of the United States over 5 years of age speaks a language other than English at home;

(3) only qualified court interpreters can ensure that persons with limited English proficiency comprehend judicial proceedings in which they are a party;

(4) the knowledge and skills required of a qualified court interpreter differ substantially from those required in other interpretation settings, such as social service, medical, diplomatic, and conference interpreting;

(5) the Federal Government has demonstrated its commitment to equal administration of justice regardless of English proficiency;

(6) Executive Order 13166, issued August 11, 2000, requires Federal Agencies, including courts, to improve access for persons who have limited English proficiency;

(7) 29 States have developed, or are developing, court interpreting programs;

(8) robust, effective court interpreter programs—

(A) actively recruit skilled individuals to be court interpreters;

(B) train those individuals in the interpretation of court proceedings;

(C) develop and use a thorough, systematic certification process for court interpreters;

(D) have sufficient funding to ensure that a qualified interpreter will be available to the court whenever necessary; and

(9) Federal funding is necessary to—

(A) encourage States that do not have court interpreter programs to develop them;

(B) assist States with nascent court interpreter programs to implement them;

(C) assist States with limited court interpreter programs to enhance them; and

(D) assist States with robust court interpreter programs to make further improvements and share successful programs with other States.

SEC. 3. STATE COURT INTERPRETER PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Administrator of the Office of Justice Programs of the Department of Justice (referred to in this section as the ''Administrator'') shall make grants, in accordance with such regulations as the Attorney General may prescribe, to States to develop and implement programs to assist individuals with limited English proficiency to access and understand State court proceedings in which they are a party.

(2) TECHNICAL ASSISTANCE.—The Administrator shall allocate, for each fiscal year, $500,000 of the amount appropriated pursuant to section 4 to be used to establish a court interpreter technical assistance program to assist States receiving grants under this Act.

(b) USE OF GRANTS.—Grants awarded pursuant to subsection (a) may be used by States to—

(1) assess regional language demands;

(2) develop a court interpreter program for the State;

(3) develop, institute, and administer language certification examinations;

(4) recruit, train, and certify qualified court interpreters;

(5) pay for salaries, transportation, and technology necessary to implement the court interpreter program developed pursuant to paragraph (2); and

(6) engage in other related activities, as prescribed by the Attorney General.

(c) APPLICATION.—Each State desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(d) STATE ALLOTMENTS.—

(1) BASE ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate $100,000 to each State, which has an application approved under subsection (c).

(2) DISCRETIONARY ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate a total of $5,000,000 to the States that have extraordinary needs that must be addressed in order to develop, implement, or expand a State court interpreter program.

(3) ADDITIONAL ALLOTMENT.—In addition to the allocations made under paragraphs (1) and (2), the Administrator shall allocate to each State, which has an application approved under subsection (c), an amount equal to the product reached by multiplying—

(A) the unallocated balance of the amount appropriated for each fiscal year pursuant to section 4; and

(B) the ratio between the number of people over 5 years of age who speak a language other than English at home in the State and the number of people over 5 years of age who speak a language other than English at home in all the States that receive an allocation under paragraph (1), as those numbers are determined by the Bureau of the Census.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for each of the fiscal years 2005 through 2008 to carry out this Act.

By Mrs. LINCOLN (for herself, Mr. LUGAR, and Mr. BINGAMAN):

S. 1734. A bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the medicaid and State children's health insurance programs, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I am pleased to introduce the Prevent Prematurity and Improve Child Health Act of 2003, which seeks to reduce the incidence of prematurity and improve the health of women of childbearing age and children. I am joined in this effort today by my colleagues Senators RICHARD LUGAR and JEFF BINGAMAN.

The number of premature births is increasing at an alarming rate. According to data from the National Center for Health Statistics, more than 476,000 infants were born prematurely in 2001—a 27 percent increase since 1981 and the highest level ever reported in the United States. Prematurity, which is defined as birth at less than 37 completed weeks of gestation, is the leading cause of infant death in the first month of life. Today, one in eight infants is born too early. Unfortunately, in my own State of Arkansas, the problem of preterm births is even more astounding. In 2001, more than 13 percent of births were preterm, ranking Arkansas 43rd in the Nation. This is a clear wake-up call: we must take action to reduce the number of premature births, improving the health of hundreds of thousands of infants born each year. Not to mention the cost savings that will result from bringing healthy babies into the world.

This legislation I introduced today gives States increased flexibility and the Federal resources needed to improve access to prenatal care for low-income pregnant women. Specifically, it will give States new options to cover pregnant women under the State Children's Health Insurance Program (SCHIP) and to cover low-income legal immigrant pregnant women and children under Medicaid and SCHIP. At least one in eight pregnant women are uninsured, according to a 1999 study conducted by Emory University professor Ken Thorpe for the March of Dimes. Uninsured women receive fewer prenatal services and report greater difficulty in obtaining needed care than women with insurance, an Institute of Medicine study concluded. The National Center for Health Statistics reports that infants born to mothers who received late or no prenatal care in 2000 were about twice as likely to be low birthweight, less than 5½ pounds, as infants born to mothers who received early prenatal care—9.9 percent compared with 5.5 percent. Timing of entry into prenatal care often reflects factors also associated with low birthweight, including maternal age and poverty. Increased access to prenatal care will give women greater access to screening and diagnostic tests as well as education, counseling, and referral services to reduce risky behaviors like substance abuse and poor nutrition. Such care may thus help improve the health of both mothers and their infants.

Premature birth can happen to any family. In fact, nearly half of premature births have no known cause. but we do know that a whole host of factors are associated with increased risk, including maternal age, multiple births, a history of preterm delivery, stress, infection, smoking and drug use.

Additionally, this bill tackles a major prematurity risk factor—maternal smoking—by improving and expanding coverage for pharmaceuticals and counseling that will help income-eligible pregnant women enrolled in the program quit smoking. Almost 20 percent of pregnant women ages 15 to 44 smoke, according to the Centers for Disease Control and Prevention. But pregnancy is a powerful motivator to help women stop smoking. Women who smoke are more likely to stop during pregnancy, both spontaneously and with assistance, than at any other time. According to the Surgeon General, programs to help pregnant women quit smoking can increase cessation rates, benefiting infant health, and are cost-effective. Yet many States' Medicaid programs do not reimburse counseling services aimed at helping pregnant smokers understand the medical consequences their smoking can have on their unborn child and giving them the tools they need to quit. For some pregnant women, counseling is not enough and a physician may prescribe pharmaceuticals. At least 35 States already include at least one type of smoking cessation pharmaceutical in their Medicaid programs. This bill will require all States to include these drugs that, when prescribed by a physician, can help pregnant women stop smoking.

The bill also contains a provision directing the Administrator of the Health Resources and Services Administration (HRSA) to review the core performance measures in the Maternal and Child Health block grant and determine if there are sufficient prematurity-related measures, including the percentage of infants born to mothers that smoke while pregnant.

This bill also gives States the tools they need to help low-income women enrolled in Medicaid avoid another risk factor for premature birth—spacing pregnancies too close together. In recent years, a number of States, including Arkansas, have sought and received Federal permission in the form of waivers to provide Medicaid-financed family planning services and supplies to income-eligible uninsured residents whose incomes are above the state's regular Medicaid eligibility ceilings. This bill would make it possible for States to extend Medicaid coverage for family planning services without having to obtain a federal waiver.

Finally, the bill will improve the health care of some infants and children with disabilities, such as those born prematurely, who have private health insurance with limited benefits that do not meet their health needs. Currently, infants and children must be uninsured to be eligible for SCHIP. However, this provision will give states the ability to use federal funds available under SCHIP to include income-eligible underinsured infants and children in SCHIP, as is currently permitted in Medicaid. This secondary payer provision will allow children to continue to be enrolled in their family's private health policy, and at the same time obtain the full spectrum of health services they need.

I encourage my colleagues to join us as supporters of this important legislation to give states the tools they need to reduce the rate of premature births and improve the health care of pregnant women, infants and children across the nation.

Mr. President, I ask unanimous consent that the full text of the Prevent Prematurity and Improve Child Health Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prevent Prematurity and Improve Child Health Act of 2003''.

SEC. 2. STATE OPTION TO EXPAND OR ADD COVERAGE OF CERTAIN PREGNANT WOMEN UNDER MEDICAID AND SCHIP.

(a) MEDICAID.—

(1) AUTHORITY TO EXPAND COVERAGE.—Section 1902(l)(2)(A)(i) of the Social Security Act (42 U.S.C. 1396a(l)(2)(A)(i)) is amended by inserting ''(or such higher percentage as the State may elect for purposes of expenditures for medical assistance for pregnant women described in section 1905(u)(4)(A))'' after ''185 percent''.

(2) ENHANCED MATCHING FUNDS AVAILABLE IF CERTAIN CONDITIONS MET.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in the fourth sentence of subsection (b), by striking ''or subsection (u)(3)'' and inserting '', (u)(3), or (u)(4)''; and

(B) in subsection (u)—

(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following new paragraph:

''(4) For purposes of the fourth sentence of subsection (b) and section 2105(a), the expenditures described in this paragraph are the following:

''(A) CERTAIN PREGNANT WOMEN.—If the conditions described in subparagraph (B) are met, expenditures for medical assistance for pregnant women described in subsection (n) or under section 1902(l)(1)(A) in a family the income of which exceeds 185 percent of the poverty line, but does not exceed the income eligibility level established under title XXI for a targeted low-income child.

''(B) CONDITIONS.—The conditions described in this subparagraph are the following:

''(i) The State plans under this title and title XXI do not provide coverage for pregnant women described in subparagraph (A) with higher family income without covering such pregnant women with a lower family income.

''(ii) The State does not apply an effective income level for pregnant women that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) that has been specified under the State plan under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, as of January 1, 2003, to be eligible for medical assistance as a pregnant woman.

''(C) DEFINITION OF POVERTY LINE.—In this subsection, the term 'poverty line' has the meaning given such term in section 2110(c)(5).''.

(3) PAYMENT FROM TITLE XXI ALLOTMENT FOR MEDICAID EXPANSION COSTS; ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.—Section 2105(a)(1) of the Social Security Act (42 U.S.C. 1397ee(a)(1)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))''; and

(B) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) for the provision of medical assistance that is attributable to expenditures described in section 1905(u)(4)(A);''.

(b) SCHIP.—

(1) COVERAGE.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

''SEC. 2111. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN.

''(a) OPTIONAL COVERAGE.—Notwithstanding any other provision of this title, a State may provide for coverage, through an amendment to its State child health plan under section 2102, of pregnancy-related assistance for targeted low-income pregnant women in accordance with this section, but only if—

''(1) the State has established an income eligibility level for pregnant women under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 that is at least 185 percent of the income official poverty line; and

''(2) the State meets the conditions described in section 1905(u)(4)(B).

''(b) DEFINITIONS.—For purposes of this title:

''(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term child health assistance in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income pregnant women, except that the assistance shall be limited to services related to pregnancy (which include prenatal, delivery, and postpartum services and services described in section 1905(a)(4)(C)) and to other conditions that may complicate pregnancy.

''(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' means a woman—

''(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

''(B) whose family income exceeds the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) that has been specified under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, as of January 1, 2003, to be eligible for medical assistance as a pregnant woman under title XIX but does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

''(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b).

''(c) REFERENCES TO TERMS AND SPECIAL RULES.—In the case of, and with respect to, a State providing for coverage of pregnancy-related assistance to targeted low-income pregnant women under subsection (a), the following special rules apply:

''(1) Any reference in this title (other than in subsection (b)) to a targeted low-income child is deemed to include a reference to a targeted low-income pregnant woman.

''(2) Any such reference to child health assistance with respect to such women is deemed a reference to pregnancy-related assistance.

''(3) Any such reference to a child is deemed a reference to a woman during pregnancy and the period described in subsection (b)(2)(A).

''(4) In applying section 2102(b)(3)(B), any reference to children found through screening to be eligible for medical assistance under the State medicaid plan under title XIX is deemed a reference to pregnant women.

''(5) There shall be no exclusion of benefits for services described in subsection (b)(1) based on any preexisting condition and no waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) shall apply.

''(6) Subsection (a) of section 2103 (relating to required scope of health insurance coverage) shall not apply insofar as a State limits coverage to services described in subsection (b)(1) and the reference to such section in section 2105(a)(1)(C) is deemed not to require, in such case, compliance with the requirements of section 2103(a).

''(7) In applying section 2103(e)(3)(B) in the case of a pregnant woman provided coverage under this section, the limitation on total annual aggregate cost-sharing shall be applied to such pregnant woman.

''(8) The reference in section 2107(e)(1)(D) to section 1920A (relating to presumptive eligibility for children) is deemed a reference to section 1920 (relating to presumptive eligibility for pregnant women).

''(d) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).''.

(2) ADDITIONAL ALLOTMENTS FOR PROVIDING COVERAGE OF PREGNANT WOMEN.—

(A) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by inserting after subsection (c) the following new subsection:

''(d) ADDITIONAL ALLOTMENTS FOR PROVIDING COVERAGE OF PREGNANT WOMEN.—

''(1) APPROPRIATION; TOTAL ALLOTMENT.—For the purpose of providing additional allotments to States under this title, there is appropriated, out of any money in the Treasury not otherwise appropriated, for each of fiscal years 2004 through 2007, $200,000,000.

''(2) STATE AND TERRITORIAL ALLOTMENTS.—In addition to the allotments provided under subsections (b) and (c), subject to paragraphs (3) and (4), of the amount available for the additional allotments under paragraph (1) for a fiscal year, the Secretary shall allot to each State with a State child health plan approved under this title—

''(A) in the case of such a State other than a commonwealth or territory described in subparagraph (B), the same proportion as the proportion of the State's allotment under subsection (b) (determined without regard to subsection (f)) to the total amount of the allotments under subsection (b) for such States eligible for an allotment under this paragraph for such fiscal year; and

''(B) in the case of a commonwealth or territory described in subsection (c)(3), the same proportion as the proportion of the commonwealth's or territory's allotment under subsection (c) (determined without regard to subsection (f)) to the total amount of the allotments under subsection (c) for commonwealths and territories eligible for an allotment under this paragraph for such fiscal year.

''(3) USE OF ADDITIONAL ALLOTMENT.—Additional allotments provided under this subsection are not available for amounts expended before October 1, 2003. Such amounts are available for amounts expended on or after such date for child health assistance for targeted low-income children, as well as for pregnancy-related assistance for targeted low-income pregnant women.

''(4) NO PAYMENTS UNLESS ELECTION TO EXPAND COVERAGE OF PREGNANT WOMEN.—No payments may be made to a State under this title from an allotment provided under this subsection unless the State provides pregnancy-related assistance for targeted low-income pregnant women under this title, or provides medical assistance for pregnant women under title XIX, whose family income exceeds the effective income level applicable under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 to a family of the size involved as of January 1, 2003.''.

(B) CONFORMING AMENDMENTS.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(i) in subsection (a), in the matter preceding paragraph (1), by inserting ''subject to subsection (d),'' after ''under this section,'';

(ii) in subsection (b)(1), by inserting ''and subsection (d)'' after ''Subject to paragraph (4)''; and

(iii) in subsection (c)(1), by inserting ''subject to subsection (d),'' after ''for a fiscal year,''.

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) NO COST-SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) of the Social Security Act (42 U.S.C. 1397cc(e)(2)) is amended—

(i) in the heading, by inserting ''OR PREGNANCY-RELATED SERVICES'' after ''PREVENTIVE SERVICES''; and

(ii) by inserting before the period at the end the following: ''or for pregnancy-related services''.

(B) NO WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(i) in clause (i), by striking '', and'' at the end and inserting a semicolon;

(ii) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new clause:

''(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman.''.

(c) AUTHORITY FOR STATES THAT PROVIDE MEDICAID OR SCHIP COVERAGE FOR PREGNANT WOMEN WITH INCOME ABOVE 185 PERCENT OF THE POVERTY LINE TO USE PORTION OF SCHIP FUNDS FOR MEDICAID EXPENDITURES.—Section 2105(g) of the Social Security Act (42 U.S.C. 1397ee(g)), as added by section 1(b) of Public Law 108–74, is amended—

(1) in the subsection heading, by inserting ''AND CERTAIN PREGNANCY COVERAGE EXPANSION STATES'' after ''QUALIFYING STATES'';

(2) by adding at the end the following:

''(4) SPECIAL AUTHORITY FOR CERTAIN PREGNANCY COVERAGE EXPANSION STATES.—

''(A) IN GENERAL.—In the case of a State that, as of the date of enactment of the Prevent Prematurity and Improve Child Health Act of 2003, has an income eligibility standard under title XIX or this title (under section 1902(a)(10)(A) or under a statewide waiver in effect under section 1115 with respect to title XIX or this title) that is at least 185 percent of the poverty line with respect to pregnant women, the State may elect to use not more than 20 percent of any allotment under section 2104 for any fiscal year (insofar as it is available under subsections (e) and (g) of such section) for payments under title XIX in accordance with subparagraph (B), instead of for expenditures under this title.

''(B) PAYMENTS TO STATES.—

''(i) IN GENERAL.—In the case of a State described in subparagraph (A) that has elected the option described in that subparagraph, subject to the availability of funds under such subparagraph and, if applicable, paragraph (1)(A), with respect to the State, the Secretary shall pay the State an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to expenditures described in clause (ii) if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

''(ii) EXPENDITURES DESCRIBED.—For purposes of this subparagraph, the expenditures described in this clause are expenditures, made after the date of the enactment of this paragraph and during the period in which funds are available to the State for use under subparagraph (A), for medical assistance under title XIX for pregnant women whose family income is at least 185 percent of the poverty line.

''(iii) NO IMPACT ON DETERMINATION OF BUDGET NEUTRALITY FOR WAIVERS.—In the case of a State described in subparagraph (A) that uses amounts paid under this paragraph for expenditures described in clause (ii) that are incurred under a waiver approved for the State, any budget neutrality determinations with respect to such waiver shall be determined without regard to such amounts paid.''; and

(3) in paragraph (3), by striking ''and (2)'' and inserting ''(2), and (4)''.

(d) OTHER AMENDMENTS TO MEDICAID.—

(1) ELIGIBILITY OF A NEWBORN.—Section 1902(e)(4) of the Social Security Act (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking ''so long as the child is a member of the woman's household and the woman remains (or would remain if pregnant) eligible for such assistance''.

(2) APPLICATION OF QUALIFIED ENTITIES TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) of the Social Security Act (42 U.S.C. 1396r–1(b)) is amended by adding after paragraph (2) the following flush sentence:

''The term 'qualified provider' includes a qualified entity as defined in section 1920A(b)(3).''.

(e) EFFECTIVE DATE.—The amendments made by this section apply to items and services furnished on or after October 1, 2003, without regard to whether regulations implementing such amendments have been promulgated.

SEC. 3. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND SCHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)''; and

(2) by adding at the end the following new paragraph:

''(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and who are otherwise eligible for such assistance, within any of the following eligibility categories:

''(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

''(ii) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

''(B)(i) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.

''(ii) The provisions of sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not apply to a State that makes an election under subparagraph (A).''.

(b) TITLE XXI.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following new subparagraph:

''(E) Section 1903(v)(4) (relating to optional coverage of permanent resident alien pregnant women and children), but only with respect to an eligibility category under this title, if the same eligibility category has been elected under such section for purposes of title XIX.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2003, and apply to medical assistance and child health assistance furnished on or after such date.

SEC. 4. PROMOTING CESSATION OF TOBACCO USE UNDER THE MEDICAID PROGRAM.

(a) DROPPING EXCEPTION FROM MEDICAID PRESCRIPTION DRUG COVERAGE FOR TOBACCO CESSATION MEDICATIONS.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r–8(d)(2)) is amended—

(1) by striking subparagraph (E);

(2) by redesignating subparagraphs (F) through (J) as subparagraphs (E) through (I), respectively; and

(3) in subparagraph (F) (as redesignated by paragraph (2)), by inserting before the period at the end the following: '', except agents approved by the Food and Drug Administration for purposes of promoting, and when used to promote, tobacco cessation''.

(b) REQUIRING COVERAGE OF TOBACCO CESSATION COUNSELING SERVICES FOR PREGNANT WOMEN.—Section 1905 of the Social Security Act (42 U.S.C. 1396d(a)(4)) is amended—

(1) in subsection (a)(4)—

(A) by striking ''and'' before ''(C)''; and

(C) by inserting before the semicolon at the end the following new subparagraph: ''; and (D) counseling for cessation of tobacco use (as defined in subsection (x)) for pregnant women''; and

(2) by adding at the end the following:

''(x)(1) For purposes of this title, the term 'counseling for cessation of tobacco use' means therapy and counseling for cessation of tobacco use for pregnant women who use tobacco products or who are being treated for tobacco use that is furnished—

''(A) by or under the supervision of a physician; or

''(B) by any other health care professional who—

''(i) is legally authorized to furnish such services under State law (or the State regulatory mechanism provided by State law) of the State in which the services are furnished; and

''(ii) is authorized to receive payment for other services under this title or is designated by the Secretary for this purpose.

''(2) Subject to paragraph (3), such term is limited to—

''(A) therapy and counseling services recommended in 'Treating Tobacco Use and Dependence: A Clinical Practice Guideline', published by the Public Health Service in June 2000, or any subsequent modification of such Guideline; and

''(B) such other therapy and counseling services that the Secretary recognizes to be effective.

''(3) Such term shall not include coverage for drugs or biologicals that are not otherwise covered under this title.''.

(c) REMOVAL OF COST-SHARING FOR TOBACCO CESSATION COUNSELING SERVICES FOR PREGNANT WOMEN.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended in each of subsections (a)(2)(B) and (b)(2)(B) by inserting '', and counseling for cessation of tobacco use (as defined in section 1905(x))'' after ''complicate the pregnancy''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the date that is 1 year after the date of enactment of this Act.

SEC. 5. PROMOTING CESSATION OF TOBACCO USE UNDER THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT PROGRAM.

(a) QUALITY MATERNAL AND CHILD HEALTH SERVICES INCLUDES TOBACCO CESSATION COUNSELING AND MEDICATIONS.—

(1) IN GENERAL.—Section 501 of the Social Security Act (42 U.S.C. 701) is amended by adding at the end the following new subsection:

''(c) For purposes of this title, counseling for cessation of tobacco use (as defined in section 1905(x)), drugs and biologicals used to promote smoking cessation, and the inclusion of antitobacco messages in health promotion counseling shall be considered to be part of quality maternal and child health services.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 1 year after the date of enactment of this Act.

(b) EVALUATION OF NATIONAL CORE PERFORMANCE MEASURES.—

(1) IN GENERAL.—The Administrator of the Health Resources and Services Administration shall assess the current national core performance measures and national core outcome measures utilized under the Maternal and Child Health Block Grant under title V of the Social Security Act (42 U.S.C. 701 et seq.) for purposes of expanding such measures to include some of the known causes of low birthweight and prematurity, including the percentage of infants born to pregnant women who smoked during pregnancy.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Health Resources and Services Administration shall submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under paragraph (1).

SEC. 6. STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO INDIVIDUALS WITH INCOMES THAT DO NOT EXCEED A STATE'S INCOME ELIGIBILITY LEVEL FOR MEDICAL ASSISTANCE.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1935 as section 1936; and

(2) by inserting after section 1934 the following new section:

''STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES

''SEC. 1935. (a) IN GENERAL.—Subject to subsections (b) and (c), a State may elect (through a State plan amendment) to make medical assistance described in section 1905(a)(4)(C) available to any individual whose family income does not exceed the greater of—

''(1) 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; or

''(2) the eligibility income level (expressed as a percentage of such poverty line) that has been specified under a waiver authorized by the Secretary or under section 1902(r)(2)), as of October 1, 2003, for an individual to be eligible for medical assistance under the State plan.

''(b) COMPARABILITY.—Medical assistance described in section 1905(a)(4)(C) that is made available under a State plan amendment under subsection (a) shall—

''(1) not be less in amount, duration, or scope than the medical assistance described in that section that is made available to any other individual under the State plan; and

''(2) be provided in accordance with the restrictions on deductions, cost sharing, or similar charges imposed under section 1916(a)(2)(D).

''(c) OPTION TO EXTEND COVERAGE DURING A POST-ELIGIBILITY PERIOD.—

''(1) INITIAL PERIOD.—A State plan amendment made under subsection (a) may provide that any individual who was receiving medical assistance described in section 1905(a)(4)(C) as a result of such amendment, and who becomes ineligible for such assistance because of hours of, or income from, employment, may remain eligible for such medical assistance through the end of the 6-month period that begins on the first day the individual becomes so ineligible.

''(2) ADDITIONAL EXTENSION.—A State plan amendment made under subsection (a) may provide that any individual who has received medical assistance described in section 1905(a)(4)(C) during the entire 6-month period described in paragraph (1) may be extended coverage for such assistance for a succeeding 6-month period.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2003.

SEC. 7. STATE OPTION TO EXTEND THE POSTPARTUM PERIOD FOR PROVISION OF FAMILY PLANNING SERVICES AND SUPPLIES.

(a) IN GENERAL.—Section 1902(e)(5) of the Social Security Act (42 U.S.C. 1396a(e)(5)) is amended—

(1) by striking ''eligible under the plan, as though'' and inserting ''eligible under the plan—

''(A) as though'';

(2) by striking the period and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(B) for medical assistance described in section 1905(a)(4)(C) for so long as the family income of such woman does not exceed the maximum income level established by the State for the woman to be eligible for medical assistance under the State plan (as a result of pregnancy or otherwise).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2003.

SEC. 8. STATE OPTION TO PROVIDE WRAP-AROUND SCHIP COVERAGE TO CHILDREN WHO HAVE OTHER HEALTH COVERAGE.

(a) IN GENERAL.—

(1) SCHIP.—

(A) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—Section 2110(b) of the Social Security Act (42 U.S.C. 1397jj(b)) is amended—

(i) in paragraph (1)(C), by inserting '', subject to paragraph (5),'' after ''under title XIX or''; and

(ii) by adding at the end the following:

''(5) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—A State may waive the requirement of paragraph (1)(C) that a targeted low-income child may not be covered under a group health plan or under health insurance coverage, if the State satisfies the conditions described in subsection (c)(8). The State may waive such requirement in order to provide—

''(A) services for a child with special health care needs; or

''(B) all services.

In waiving such requirement, a State may limit the application of the waiver to children whose family income does not exceed a level specified by the State, so long as the level so specified does not exceed the maximum income level otherwise established for other children under the State child health plan .''.

(B) CONDITIONS DESCRIBED.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following:

''(8) CONDITIONS FOR PROVISION OF WRAP-AROUND COVERAGE.—For purposes of section 2110(b)(5), the conditions described in this paragraph are the following:

''(A) INCOME ELIGIBILITY.—The State child health plan (whether implemented under title XIX or this XXI)—

''(i) has the highest income eligibility standard permitted under this title as of January 1, 2003;

''(ii) subject to subparagraph (B), does not limit the acceptance of applications for children; and

''(iii) provides benefits to all children in the State who apply for and meet eligibility standards.

''(B) NO WAITING LIST IMPOSED.—With respect to children whose family income is at or below 200 percent of the poverty line, the State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.

''(C) NO MORE FAVORABLE TREATMENT.—The State child health plan may not provide more favorable coverage of dental services to the children covered under section 2110(b)(5) than to children otherwise covered under this title.''.

(C) STATE OPTION TO WAIVE WAITING PERIOD.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)), as amended by section 2(b)(3)(B), is amended—

(i) in clause (ii), by striking '', and'' at the end and inserting a semicolon;

(ii) in clause (iii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new clause:

''(iv) at State option, may not apply a waiting period in the case of a child described in section 2110(b)(5), if the State satisfies the requirements of section 2105(c)(8).''.

(2) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by section 2(a)(2), is amended—

(A) in subsection (b), in the fourth sentence, by striking ''or (u)(4)'' and inserting ''(u)(4), or (u)(5)''; and

(B) in subsection (u)—

(i) by redesignating paragraph (5) as paragraph (6); and

(ii) by inserting after paragraph (4) the following:

''(5) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for items and services for children described in section 2110(b)(5), but only in the case of a State that satisfies the requirements of section 2105(c)(8).''.

(3) APPLICATION OF SECONDARY PAYOR PROVISIONS.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)), as amended by section 3(b), is amended by adding at the end the following:

''(F) Section 1902(a)(25) (relating to coordination of benefits and secondary payor provisions) with respect to children covered under a waiver described in section 2110(b)(5).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2003, and shall apply to child health assistance and medical assistance provided on or after that date.

Mr. LUGAR. Mr. President, I am pleased to introduce with my colleagues Senator LINCOLN and Senator BINGAMAN, the Prevent Pre-maturity and Improve Child Health Act.

Pre-maturity has been escalating steadily and alarmingly over the past two decades. Between 1981 and 2001, the rate of premature births rose from 9.4 percent to 11.9 percent, an increase of more than 27 percent. In 2001, more than 476,000 babies were born prematurely.

Pre-maturity is the leading cause of infant death in the first month of life. Babies born too early are more likely than full-term infants to face serious multiple health problems following delivery. the health problems facing many of these children include cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss. If we are able to reduce the number of premature births we will be able to improve the health of hundreds of thousands of infants born each year.

The goal of the ''Prevent Pre-maturity and Improve Child Health Act'' is

to give States increased flexibility and the Federal resources needed to improve access to prenatal care for low-income pregnant women and their children.

Among other things, the bill allows States the option of covering legal immigrant pregnant women under Medicaid. It also promotes new programs and more coverage for tobacco cessation in Medicaid, and Maternal Child Health block grant programs, and allows States the option of providing wrap-around SCHIP coverage for special needs children who have another source of health insurance.

Our bill has the potential to make a real difference in many lives. I am pleased that we are able to introduce this bill in conjunction with the March of Dimes kick off of their new campaign on pre-maturity awareness and hope that our colleagues will consider joining us in this effort.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. GRAHAM of South Carolina, Mr. CHAMBLISS, and Mr. CAMPBELL):

S. 1735. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce with my colleague, Senator FEINSTEIN, a comprehensive bipartisan bill to increase gang prosecution and prevention efforts.

This legislation, the Gang Prevention and Effective Deterrence Act of 2003, authorizes approximately $650 million over the next 5 years to support law enforcement and prevention efforts. Of the $650 million, $450 million would be used to support Federal, State and local law enforcement efforts against violent gangs, and $200 million would be used for intervention and prevention programs for at-risk youth. The bill also increases funding for the Federal prosecutors and FBI agents needed to conduct coordinated enforcement efforts against violent gangs.

Additionally, this bill will create new criminal gang prosecution offenses, enhance existing gang and violent crime penalties to deter and punish illegal street gangs, enact violent crime reforms needed to prosecute effectively gang members, and implement a limited reform of the juvenile justice system to facilitate Federal prosecution of 16 and 17-year-old gang members who commit serious violent felonies.

I want to take a moment here and commend my dear friend Senator FEINSTEIN for her long-time commitment to this issue. She has been a leader in California and in the Senate in the war against gangs and gang violence. She and I have worked together for many years on this important issue, and I look forward to our joint effort to enact meaningful legislation.

The problem of gang violence in America is not a new one, nor is it a problem that is limited to major urban areas. Once thought to be only a problem in our Nation's largest cities, gangs have invaded smaller communities.

The problem of gang violence is of great concern to the citizens of my State. According to the Salt Lake Area Gang Project, a multi-jurisdictional task force created in 1989 to fight gang crime in the Salt Lake area, there are at least 250 identified gangs in our region with over 3,500 members. What is perhaps most troubling, the juvenile gang members in Utah account for over one-third of the total gang membership.

Gangs now resemble organized crime syndicates who readily engage in gun violence, illegal gun trafficking, illegal drug trafficking and other serious crimes. All too often we read in the headlines about gruesome and tragic stories of rival gang members gunned down, innocent bystanders—adults, teenagers and children—caught in the crossfire of gangland shootings, and family members crying out in grief as they lose loved ones to the gang wars plaguing our communities.

Recent studies confirmed that gang violence is an increasing problem in all of our communities. Based on the latest available National Youth Gang Survey, it is now estimated that there are more than 25,000 gangs, and over 750,000 gang members who are active in more than 3,000 jurisdictions across the United States. The most current reports indicate that in 2002 alone, after five years of decline, gang membership has spiked nationwide.

While we are all committed to fighting the global war on terrorism, we must redouble our efforts to ensure that we devote sufficient resources to combating this important national problem—the rise in gangs and gang violence in America. I have been—and remain—committed to supporting Federal, State and local task forces as a model for effective gang enforcement strategies. Working together, these task forces have demonstrated that they can make a difference in our communities.

In Salt Lake City, the Metro Gang Multi-Jurisdiction Task Force has for years demonstrated its critical role in fighting gang violence in Salt Lake City. We must act in a bipartisan fashion to ensure that adequate resources are available to all of our communities to expand and fund these critical task force operations to fight gang violence.

I also am mindful of the fact that to be successful in reducing gang violence, we must address not only effective law enforcement strategies, but we must also take steps to protect our youth—so that the next generation does not all into the abyss of gang life, which so often includes gun violence, drug trafficking, and other serious crimes. The young people of our cities need to be steered away from gang involvement. We need to ensure that there are sufficient tools to intervene in the lives of these troubled youth. Federal involvement is crucial to control gang violence and to prevent new gang members from replacing old gang members.

We must take a proactive approach and meet this problem head on if we wish to defeat it. If we really want to reduce gang violence, we must ensure that law enforcement has adequate resources and legal tools and that our communities have the ability to implement proven intervention and prevention strategies, so that gang members who are removed from the community are not simply replaced by the next generation of new gang members.

I strongly urge my colleagues to join with me and Senator FEINSTEIN in promptly passing this important legislation.

I ask unanimous consent that an analysis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

OVERVIEW

The Gang Prevention and Effective Deterrence Act of 2003 is a comprehensive bill to increase gang prosecution and prevention efforts. The bill authorizes approximately $650 million over the next 5 years, $450 million of which would be used to support Federal, State and local law enforcement efforts against violent gangs, and $200 million of which would be used for intervention and prevention programs for at-risk youth. In support of this effort, the bill increases funding for federal prosecutors and FBI agents to increase coordinated enforcement efforts against violent gangs.

The Act also creates new criminal gang prosecution offenses, enhances existing gang and violent crime penalties to deter and punish illegal street gangs, proposes violent crime reforms needed to prosecute effectively gang members, and proposes a limited reform of the juvenile justice system to facilitate federal prosecution of 16 and 17 year old gang members who commit serious acts of violence.

TITLE I—CRIMINAL STREET GANG ABATEMENT ACT

Sec. 101. Solicitation or Recruitment of Persons in Criminal Street Gang Activity. This section creates a new criminal offense to prohibit recruitment of a person in a criminal street gang. The penalty for such a violation is a maximum of 10 years imprisonment, or if the violation involves the recruitment of a minor, a mandatory minimum penalty of not less than 3 years and a maximum of 10 years imprisonment.

Sec. 102. Criminal Street Gangs. This section revises existing section 521 of title 18, United States Code, to prohibit illegal participation in a criminal street gang. A ''criminal street gang'' is defined to mean a formal or informal group, club, organization or association of 3 or more persons who act in concert to commit gang crimes. The term ''gang crime'' is defined to include violent

and other serious State and Federal felony crimes. Subsection (b) prohibits participation in a criminal street gang either by (1) committing, conspiring or attempting to commit, 2 or more predicate gang crimes related to the gang activity; or (2) to employ, use or command, counsel persuade, induce, entice or coerce another individual to commit a gang crime. The maximum penalties for a violation of subsection (b)(1) is 30 years imprisonment and for subsection (b)(2) is 20 years imprisonment, or a mandatory minimum of 10 years imprisonment if the violation of subsection (b)(2) involves a minor. Additional penalties, including the death penalty, are authorized for gang crimes depending on whether the violation results in the taking of a life, attempted murder, the violator is an organizer, leader, supervisor, or manager, or the violator is a repeat offender.

Sec. 103. Violent Crimes in Furtherance or in Aid of Criminal Street Gangs. This section creates a new criminal offense for murder, kidnapping, sexual assaults, maiming, assaults with a dangerous weapon, or assaults resulting in serious bodily injury, which are committed in furtherance or in aid of a criminal street gang. The penalties for such violations range from a maximum of 10 years to death depending on the nature of the offense.

Sec. 104. Interstate and Foreign Travel or Transportation in Aid of Criminal Street Gangs. This section amends existing section 1952 of title 18, United States Code, to increase penalties and expand the prohibition to include efforts to obstruct justice, intimidate or retaliate against witnesses, jurors, informants or victims.

Sec. 105. Amendments Relating to Violent Crime in Areas of Exclusive Federal Jurisdiction. This section amends criminal statutes relating to assault (section 113(a)(3)), conspiracy (section 371), manslaughter (section 1112(b), offenses committed within Indian country (section 1153(a)), racketeering (section 1961(l)), carjacking (section 2119), illegal gun transfers to drug traffickers or violent criminals (section 924(h)), special sentencing provisions (section 3582(d)), and application of the two strikes provision in Indian country (section 3559(e)).

Sec. 106. Increased Penalties for Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire and Other Felony Crimes of Violence. This section amends existing section 1958 of title 18, United States Code, to increase penalties for hiring an individual to kill another person and prohibits a fine in lieu of a sentence for conduct resulting in death.

Sec. 107. Increased Penalties for Violent Crimes in Aid of Racketeering Activity. This section amends existing section 1959(a) of title 18, United States Code, to increase penalties and expand the prohibition to include sexual assault.

Sec. 108. Murder and Other Violent Crimes Committed During and In Relation to a Drug Trafficking Crime. This section creates a new criminal offense for murder, kidnapping, sexual assaults, maiming, assaults with a dangerous weapon, or assaults resulting in serious bodily injury, which are committed during and in relation to drug trafficking crimes. The penalties for such violations range from a maximum of 10 years to death depending on the nature of the offense.

Sec. 109. Sentencing Guidelines for Gang Crimes, Including an Increase in Offense Level for Participation in Crime as a Gang Member. This section directs the United States Sentencing Commission to amend the Federal Sentencing Guidelines to reflect the newly created offenses of: (1) solicitation or recruitment or persons in criminal street gang activity; (2) criminal street gangs; and (3) violent crimes in furtherance of criminal street gangs to reflect the seriousness of the offenses.

Sec. 110. Designation of and Assistance for ''High Intensity'' Interstate Gang Activity Areas. This section requires the Attorney General, after consultation with the Governors of appropriate States, to designate certain locations as high intensity interstate gang activity areas and provides assistance in the form of criminal street gang enforcement teams made up of local, State and Federal law enforcement authorities to investigate and prosecute criminal street gangs in each high intensity interstate gang activity area. Subsection (c) authorizes funding of $100 million for each fiscal year 2004 through 2008. Sixty percent, or $60 million, will be used to support the criminal gang enforcement teams and 40 percent, or $40 million, will be used to make grants available for community-based programs to provide for crime prevention and intervention services for gang members and at-risk youth in areas designated as high intensity interstate gang activity areas.

Sec. 111. Enhancement of Project Safe Neighborhoods Initiative to Improve Enforcement of Criminal Laws Against Violent Gangs. Subsection (a) expands the Project Safe Neighborhood program to require United States Attorneys to identify and prosecute significant gangs within their district; coordinate such prosecutions among all local, State, and Federal law enforcement; and coordinate criminal street gang enforcement teams in designated high intensity interstate gang activity areas. Subsection (b) authorizes the hiring of 94 additional Assistant United States Attorneys and funding of $7.5 million for each fiscal year 2004 to 2008 to carry out the provisions of this section.

Sec. 112. Additional Resources Needed by the Federal Bureau of Investigation to Investigate and prosecute Violent Criminal Street Gangs. This section requires the Federal Bureau of Investigation to increase funding for the Safe Streets Program and to support the criminal street gang enforcement teams in designated high intensity interstate gang activity areas. Subsection (b) authorizes $5 million for each fiscal year 2004 to 2008 to expand the FBI's Safe Streets Program.

Sec. 113. Grants to States and Local Prosecutors to Combat Violent Crime and to Protect Witnesses and Victims of Crime. This section authorizes $20 million for each of the fiscal years 2004 to 2008 to allow for the hiring of additional State and local prosecutors, the funding of gang prevention and community prosecution programs, the purchasing of technological equipment to increase the accurate identification and prosecution of violent offenders, and the creation and expansion of witness protection programs to prevent witness intimidation and retaliation.

TITLE II—VIOLENT CRIME REFORMS NEEDED TO DETER AND PREVENT ILLEGAL GANG CRIME

Sec. 201. Multiple Interstate Murder. This section creates a new criminal offense for traveling in or causing another to travel in interstate or foreign commerce or to use any facility in interstate or foreign commerce with the intent that 2 or more murders be committed in violation of the laws of any State or the United States. The penalties for such violations range from a maximum of 20 years to death depending on the nature of the offense.

Sec. 202. Expansion of Rebuttable Presumption Against Release of Persons Charged with Firearms. This section applies the rebuttable presumption in pre-trial release detention hearings to cases in which a defendant is charged with firearms offenses after having previously been convicted of a prior crime of violence or a serious drug offense.

Sec. 203. Venue in Capital Cases. This section amends section 3235 of title 18 to clarify venue in capital cases where murder, or related conduct, occurred. The existing venue provision restricts venue in criminal cases where murder occurs in relation to racketeering, drug conspiracy, or criminal street gang.

Sec. 204. Statute of Limitation for Violent Crime. This section extends the statute of limitations for violent crime cases from 5 years to 10 years after the offense occurred or the continuing offense was completed, and from 5 years to 8 years after the date on which the violation was first discovered.

Sec. 205. Predicate Crimes for Authorization of Interception of Wire, Oral and Electronic Communications. This section adds the new criminal offenses to the surveillance predicates listed in section 2516 of title 18, United States Code.

Sec. 206. Clarification of Crime of Violence. This section amends the definition of a crime of violence in response to recent restrictive court decisions excluding violent acts committed with a reckless or negligent mens rea.

Sec. 207. Clarification to Hearsay Exception for Forfeiture by Wrongdoing. This section codifies the holding in *United States v. Cherry*, 217 F.3d 811 (10th Cir. 2000), which permits admission of statements of a murdered witness to be introduced against the defendant who caused a witness' unavailability and the members of the conspiracy if such actions were foreseeable to the other members of the conspiracy.

Sec. 208. Clarification of Venue for Retaliation Against a Witness. This section clarifies the venue statute for crimes involving the retaliation against a witness to allow for prosecution in the district where the official proceeding which gave rise to the retaliation occurred or where the act of retaliation occurred.

Sec. 209. Amendment of Sentencing Guidelines Relating to Certain Gang and Violent Crimes. This section directs the United States Sentencing Commission to review and, if appropriate, amend its guidelines and policy statements in order to implement new or revised criminal offenses created by this legislation.

Sec. 210. Increased Penalties for Criminal Use of Firearms in Crimes of Violence and Drug Trafficking. This section increases the penalty for the use or discharge of a firearm in a crime of violence or drug trafficking crime. The penalties are increased further if the firearm injures or causes the death of another.

TITLE III—JUVENILE CRIME REFORM FOR VIOLENT OFFENDERS

Sec. 301. Treatment of Federal Juvenile Offenders. This section authorizes the United States Attorney to charge in federal court a juvenile who is 16 years or older and committed a serious violent felony, as defined in section 3559(c)(2) or (c)(3). Technical changes are made to existing statute, section 5032 of title 18, United States Code, to conform with limited authorization for United States Attorney filings

Sec. 302. Notification After Arrest. This section modifies existing section 5033 of title 18 to ensure notification of United States Attorney after arrest of juvenile offender.

Sec. 303. Release and Detention Prior to Disposition. This section makes technical changes to existing statue, 5034 of title 18, and makes conforming changes to ensure consideration of release conditions for juveniles charged as adults.

Sec. 304. Speedy Trial. This section modifies existing speedy trial statute to require

trial within 70 days from detention of juvenile who is charted as an adult and applies existing exclusions from section 3161(h) of title 18.

Sec. 305. Use of Juvenile Records. This section ensures that juvenile records relating to a case in which a juvenile is charged as an adult are made available in the same manner as adult cases.

Sec. 306. Directive to United States Sentencing Commission. This section directs the Sentencing Commission to develop new guidelines applicable to juvenile offenders who are charged as adults.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Chairman HATCH in introducing the Gang Prevention and Effective Deterrence Act of 2003, a bill to give law enforcement additional tools to fight the scourge of gang violence and to fund prevention programs to stop the cycle of gang violence.

I thank and commend my good friend and colleague, Chairman HATCH, for his hard work in helping to develop this legislation. Since 1996, he and I have worked together to address the problem of gang violence in this country.

We have now introduced legislation in each of the last four Congresses—the 104th, 105th, 106th, and 107th. None of that legislation became law. But we have not given up.

The legislation we are introducing today addresses the many aspects of gang violence by focusing on new criminal offenses and increased penalties for individuals who engage in gang violence. Specifically, this legislation targets gang members who participate in criminal street gang by committing gang crimes like murder, sexual assault, robbery, and drug offenses to name a few, or by employing others to do so; recruit and use minors in gang crimes; commit violent crimes in furtherance of gang or drug trafficking activity; or travel in interstate commerce to intimidate and retaliate against witnesses.

This legislation also makes it easier to prosecute certain 16 and 17-year-olds as adults if they are engaging in violent gang activity.

We have also worked to provide for more cooperation between Federal and local law enforcement officials, and to make it easier for prosecutors to go after gang members who commit serious or violent crimes on behalf of their gangs.

We offer this comprehensive legislation because the problem of gang violence continues to get worse. I concur in the sentiments expressed by Los Angeles Police Department Chief William Bratton when he stated, ''There is nothing more insidious than these gangs. They are worse than the Mafia. Show me a year in New York where the Mafia indiscriminately killed 300 people. You can't.''

In 2002, there were over 650 homicides in Los Angeles, half of which were gang related. This year the Los Angeles Police Department reports approximately 400 murders and almost one-half of those murders are the result of gang violence.

The United States Attorney in Los Angeles testified before the Judiciary Committee last month about the gang problem in her city. She stated that in Los Angeles County alone, conservative estimates put street gangs at about 1,000 in number. The number of individual gang members in those street gangs is 150,000.

In addition, there are approximately another 20,000 gang members in Orange County, Ventura and San Bernardino Counties.

I am often struck by how vicious gang crimes can be, and how damaging they are to the victims and to the surrounding community.

Let me give a couple of examples from my own home city of San Francisco.

In 2000, two rival gangs had a shoot out in San Francisco's Mission District. An innocent bystander was caught in the crossfire and shot through both legs.

A brave eyewitness gave law enforcement the name of the shooting suspect, who was then arrested. The gang then tracked down the witness, put a 9 millimeter automatic to his head, and threatened to kill him for cooperating with the police.

And just recently, on September 28, 2003, 7-week-old Glenn Timmy Maurice Molex was killed in his home during a drive-by shooting in a Bayview district neighborhood in San Francisco. Law enforcement believe that gang members may have been involved in the shooting.

But this problem is not limited to any one city, of course.

In 1980, there were gangs in 286 jurisdictions. Today, they are in over 1,500 jurisdictions.

In 1980, there were about 2,000 gangs. Today, there are over 26,000 gangs.

In 1980, there were about 100,000 gang members. Today, there are more than 750,000 gang members.

I would like to explain how this legislation will help deter and punish gang-related crimes, and why Congress should act quickly to pass it.

First, the bill includes tough 10-year sentences for gang recruitment. This will serve to punish anyone who recruits a member to join—or forces a member to stay in—a criminal street gang with the intent to have that person commit a serious violent crime or a drug crime.

Second, if the person who was recruited was a minor, the offender will serve a mandatory minimum sentence of 3 years.

The purpose of this provision is to deter criminal gang recruitment. It is also to punish those who use minors to commit their crimes. And gangs specifically do go after juveniles because they know that, if the child is caught, he or she will probably receive lighter punishment than an adult.

I believe that we need to punish gang recruitment of children very severely. This bill would do that.

This legislation would also make it a crime for three or more people who work together to commit predicate gang crimes which are listed in the bill. Gang members who commit two or more predicate gang crimes or employ another individual to commit a gang crime would be punished under this new statute by up to 30 years in prison. If the predicate gang crime carries a greater penalty, the maximum would increase. If the gang member has previously been convicted of a predicate gang crime, that gang member's sentence would also increase.

And because juveniles are being used to commit these gang crimes, if the gang member employs a minor to commit the gang crime, the gang member would face a mandatory minimum sentence of 10 years.

The predicate gang crimes are felony crimes and include murder, attempted murder, manslaughter, gambling, kidnapping, robbery, extortion, arson, obstruction of justice, tampering with or retaliating against a witness, victim or informant, burglary, sexual assault, carjacking, or selling or possessing a controlled substance, firearm offenses, and illegal transportation of an alien.

The offenses that are listed as predicate gang crimes are those commonly pursued by gangs.

One study of gangs in various countries found that law enforcement reported that 55 percent of gang members were involved in aggravated assaults; 33 percent in robberies;

Fifty-eight percent in burglary and breaking and entering;

Fifty-two percent in motor vehicle theft; and

Seventy-two percent in drug sales.

Numerous gangs illegally launder their illicit drug profits. These include Russian and West African criminal gangs as well as street gangs such as the Bloods, Crips, Gangster Disciples, and Latin Kings.

This bill also allows property derived from gang crimes to be forfeited.

Third, the bill creates a new, RICO-like, anti-gang law to help prosecutors target the more serious gangs and gang members. In response to the problems of mafia-violence, the racketeering statute was created to punish violent crimes that are in furtherance of a racketeering enterprise. This legislation will do the same for violent crimes that are in furtherance of gang activity or drug activity.

The gang and drug crimes are those which I have described earlier—murder, carjacking, drug distribution, robbery, firearms violations, and sexual assault. These crimes represent the heart of gang activity and those who commit them must be met with tough penalties.

The penalties range from a maximum of 10 years to the death penalty if death results from the crime.

This legislation also expands the Travel Act.

The Travel Act allows Federal prosecutors to charge certain interstate crimes such as extortion, bribery, and arson, and for business enterprises involving gambling, liquor, drugs, or prostitution.

This statute was passed in 1961 also with mafia-related criminal activity in mind.

Now criminal street gangs travel interstate for another purpose which strikes at the heart of our system of justice—intimidating and retaliating against witnesses, jurors, informants, and victims.

This bill would make it a crime to travel across state lines for that purpose and would allow for a sentence up to life imprisonment for someone who commits that crime.

Defendants who violate the Travel Act and kill someone will also face a possible death sentence for such actions.

This bill should ensure that prosecutors can use the Travel Act to act against crimes caused by the new Mafia: criminal street gangs.

The bill also amends several criminal statutes to address violent crimes frequently or typically committed by gangs.

These crimes include carjacking, assault, manslaughter, racketeering, illegal gun transfers to drug traffickers or violent criminals, the use of firearms in drug trafficking and violent crimes, and murder-for-hire.

These amendments make it easier for prosecutors to prove these crimes by eliminating or modifying the intent requirement for the crimes or by increasing the penalties for violations.

This legislation also changes the venue statute for capital cases so that capital cases can be brought where the murder occurs or where the racketeering conspiracy, drug conspiracy, or criminal street gang operates. So, if the gang, commits the bulk of its crimes in one State but commits a capital crime in another State, all of the crimes can be tried in the same State where the gang focused its criminal activity and the government can seek the appropriate punishment for that crime. The jury will then get the whole picture of how the gang operated and what they did.

Where a 16-year-old or 17-year-old has committed a Federal serious violent felony, this legislation facilitates Federal prosecution of such offenders. Surveys in 1996 and 1999 showed that 37–50 percent of gang members were under the age of 18. This legislation also calls upon the United States Sentencing Commission to create new sentencing guidelines for juvenile offenders who are charged as adults to address concerns specific to offenders of that age.

The bill permits the Attorney General to designate high intensity interstate gang activity areas, HIIGAs, and authorizes $100,000,000 for each of 5 years for these task forces.

These provisions are modeled after similar provisions creating high intensity drug trafficking areas, HIDTAs.

HIDTAs are joint efforts of local, State, and Federal law enforcement agencies whose leaders work together to assess regional drug threats, design strategies to combat those threats, and develop initiatives to implement the strategies.

HIDTAs are based on an equal partnership between different law enforcement agencies.

HIDTAs are based on an equal partnership between different law enforcement agencies.

HIDTAs integrate and synchronize efforts to reduce drug trafficking.

They eliminate unnecessary duplication of effort and maximize resources.

And they improve intelligence and information sharing both within and between regions.

HIDTAs are necessary because drug trafficking tends to be ''head quartered'' in certain areas of the country, from which it spreads to other areas.

Moreover, drug traffickers have been highly organized and developed sophisticated interstate and international operations.

These points are also true for many criminal gangs. So we have erected a new program of cooperation between law enforcement agencies to attack the gang problem like we attack the drug problem.

This bill authorizes $75 million over the next 5 years for the hiring of Federal prosecutors to identify and prosecute significant gangs within their districts under the Project Safe Neighborhoods program. Across the Nation, 94 Project Safe Neighborhoods Task Forces are working to implement the coordinated strategy to reduce gun violence, led by the U.S. Attorney in each of the Federal judicial districts. U.S. Attorneys have been working side by side with all law enforcement participants in their communities to identify the most pressing crime problems and attack those problems both through prevention and aggressive prosecution.

Finally, this legislation would authorize $100 million dollars over the next 5 years for States to update their technology, create and fund gang prevention and community prosecution programs, and create and expand witness protection programs.

Witness protection is a critical part of reducing gang violence. The president of the National District Attorneys Association, Robert McCulloch, who is also the district attorney in St. Louis, testified last month before the Judiciary Committee. He said that while his office is able to put witnesses in motels for a couple of days or a week or is able to send them on a bus ride to a relative's house, the solutions are not long-term. And as a result, the witnesses come back and are at risk. That is not acceptable. If witnesses are not confident that they will remain safe, they will not talk to law enforcement. It is as simple as that. We must give local and State law enforcement the tools to keep witnesses alive.

While criminal street gangs flourish in certain urban areas such as Los Angeles and Chicago, they typically use these cities as bases to invade more rural locales.

And the characteristics of a criminal street gang are extremely diverse. While some criminal street gangs are looser-affiliations of violent individuals who work together in furtherance of their gang, there are also some very highly disciplined, hierarchical ''corporations,'' often encompassing numerous jurisdictions.

MS–13, an international gang with roots in El Salvador's civil war has spread to at least 28 States and includes more than 8,000 members. In this gang there is no real command structure or national charter.

And in the Washington, D.C. metropolitan area, criminal street gangs are largely neighborhood-based associations of lifelong friends. They use no flashy names or symbols, but they bank together to commit crimes and sell drugs.

In the past three years, members of just three neighborhood-based gangs in Washington, D.C., called the 1–5 Mob, the K Street Crew and Murder Inc. by prosecutors, have been convicted of 57 murders and dozens of assaults and weapons offenses for gang crimes committed over the past ten years.

On the other hand, there are some very organized and structured ruthless gangs in this country.

The Gangster Disciples Nation, for example, has a chairman of the board, two boards of directors, one for prisons and one for streets), Governors, regents, area coordinators, enforcers, and ''shorties,'' youth who staff drug-selling sites and help with drug deals.

From 1987 to 1994, this gang was responsible for killing more than 200 people. Moreover, one-half of their arrests were for drug offenses and only one-third for nonlethal violence.

And just like MS–13, these gangs pop up all across the country.

In 1996, the Gangster Disciples Nation and other Chicago-based gangs were in 110 jurisdictions in 35 states.

Members of the Los-Angeles based 18th Street Gang have migrated outside of California into the southwest border up into the Pacific Northwest, out to New Jersey, Mexico, and El Salvador. Los Angeles gang members have been tracked to Indianapolis, Oklahoma, Omaha, Raleigh and St. Louis.

This bill is a necessary measure to target increasingly violent, increasingly sophisticated, and increasingly national gangs. This is not just a California problem, or a Chicago problem, or a District of Columbia problem—this problem is a nationwide in its scope, and we must craft a nationwide solution. This legislation will tackle that problem head-on. We simply cannot wait any longer.

I look forward to working with my colleagues to enact the Gang Prevention and Effective Deterrence Act of 2003.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. CHAFEE, Mr. HAGEL, Mrs. HUTCHISON, Mr. VOINOVICH, Mr. THOMAS, Mr. BREAUX, Mr. BINGAMAN, Mr. GRAHAM of Florida, Mr. JOHNSON, Mr. NELSON of Nebraska, and Mr. ROCKEFELLER):

S. 1736. A bill to promote simplification and fairness in the administration and collection of sales and use taxes; to the Committee on Finance.

Mr. ENZI. Mr. President, I rise today to introduce the Streamlined Sales and Use Tax Act, a bill that will make it easier for American consumers and businesses to conduct sales from remote locations. Our bill will also help states begin to recover from years of budgetary shortfalls.

This bill is not a disguised attempt to increase taxes or put a new tax on the Internet. Consumer are already supposed to pay sales and use taxes in most States for purchases made over the phone, by mail, or via the Internet. Unfortunately, most consumers are unaware they are required to pay this use tax on purchases for which retailers choose not to collect sales tax at the time of purchase.

That means consumers who buy products online are required to keep track of their purchases and then pay outstanding use tax obligation on their State tax forms. Most people do not know this or comply with the requirement. As such, States are losing millions of dollars in annual revenue.

Our legislation will help both consumers and States by reducing the burden on consumers and providing a mechanism that will allow States to systematically and fairly collect the taxes already owed to them.

This bill is not about new taxes. Simply put, if Congress continues to allow remote sales taxes to go uncollected and electronic commerce continues to grow as predicted, other taxes—such as income or property taxes—will have to be increased to offset the lost revenue. I want to avoid that. That's why we need to implement a plan that will allow States to generate revenue using mechanisms already approved by their local leaders.

This bill is about economic growth. Sales and use taxes provide critical revenue to pay for our schools, our police officers, firefighters, road construction, and more. It will bring more money—money that is already owed—into rural areas that are struggling economically. It will also help businesses comply with the complicated States sales tax systems. That means the business resources that have historically been spent on tax compliance could be used, among other things, to hire new people and buy new equipment.

This bill is about tax simplification. As the Supreme Court identified in the Quill versus North Dakota decision in 1992, the complicated State and local sales tax systems across this country have created an undue burden on sellers. Our bill will help relieve this burden by requiring States to meet the stringent simplification standards outlined in the Streamlined Sales and Use Tax Agreement. This bill requires States to implement and maintain these simplification measures before they can require any seller to collect and remit sales tax.

The Streamlined Sales and Use Tax Agreement includes dramatic simplification in almost every aspect of sales and use tax collection and administration, especially for multi-state sellers. Areas of simplification include exemption processing, uniform definitions, State level administration of local taxes, a reduced number of sales tax rates, determining the appropriate tax rate, and reduced audit burdens for sellers using the state-certified technology.

I firmly believe this bill, coupled with the Agreement, will facilitate a change to our taxing system that benefit local and State governments, Main Street and online businesses, and consumers. I recognize that this legislation may not be perfect, but I welcome the opportunity to continue working with retailers, local and State lawmakers and my colleagues to address any remaining concerns. Our intention is to close the sales tax loophole for remote sales, and I am ready and willing to engage in discussions to ensure that this bill fairly accomplishes that objective.

I thank my colleague, Senator DORGAN, for his tireless efforts on this issue. He has been instrumental in drafting this critical legislation, and I appreciate his insight and thoroughness. I would also like to thank my colleagues on both sides of the aisle who have agreed to be original cosponsors—Senators DORGAN, BREAUX, BINGAMAN, CHAFEE, BOB GRAHAM, HAGEL, HUTCHISON, JOHNSON, BEN NELSON, ROCKEFELLER, VOINOVICH, and my esteemed fellow Senator from Wyoming, Senator THOMAS.

Mr. DORGAN. Mr. President, I rise today with Senator ENZI and others to introduce legislation to address the long-standing issue of how to see that the sales and uses taxes which are owed on remote sales, i.e., items bought from companies outside of the State in which the purchaser lives, can be fairly collected. The Simplified Sales and Use Tax Act which we introduce today will allow the States to require collection only after they have dramatically simplified their sales and use tax systems.

Collecting a sales tax in a face-to-face transaction on Main Street or at the mall is a relatively simple process. The seller collects the tax and remits it to the State or local government. But with remote sales—such as catalog and Internet sales—it's more difficult. States cannot require a seller to collect a sales tax unless the business has an actual location or sales people in the State. So most States, and many localities, have laws that require the local buyer to send an equivalent ''use tax'' to the State or local government when he or she did not pay taxes at the time of purchase.

The reality, of course, is that customers almost never do that. It would be a major inconvenience, and people are not accustomed to paying sales taxes in that way. So, despite the legal requirement, most simply don't do it, and the tax, which is already owed, goes unpaid. For years, State and local governments could accept this loss because catalog sales were a relatively minor portion of overall commerce. But, as e-commerce continues to grow so does the competitive divide between those businesses with and without the collection burden and the local governments who are losing an ever larger share of sales tax revenues.

In fact, it appears as if local governments are facing a perfect storm of dwindling economic activity, and a growing migration of commerce from Main Street to the Internet. As online consumer purchases have nearly doubled in the last 2 years estimates are that States and localities lost at least $13.5 billion in uncollected sales and use tax revenues in 2002, and that number is expected to grow to $45 billion by 2006.

Internet and catalog sellers correctly argue that collecting and remitting sales taxes would be a significant burden. Understandably, they contend that, unless things change, it would be difficult for them to have to comply with tax laws from thousands of different jurisidictions—46 States and thousands of local governments—with different tax rates and all of the idiosyncrasies regarding what is taxable and what is non-taxable.

This is a legitimate complaint, and I understand why the Supreme Court agreed with them when it decided that companies have to have a physical presence in a State before being required to collect sales taxes.

But, in so ruling the Court did two things: (1) it told the States to simplify their sales and use tax systems, and (2) it invited Congress to define how much simplification will be needed so that collection will no longer be an impermissible burden on interstate commerce.

The States have since responded to the Court's ruling with the ''Streamlined Sales and Use Tax Agreement.'' Approved by 34 States and the District of Columbia after extensive discussions with the business community this unprecedented agreement will dramatically simplify and streamline how State sales taxes are identified and collected. And, by harmonizing State sales tax rules, bringing uniformity to definitions of items in the sales tax base, significantly reducing the paperwork burden on retailers, and incorporating a seamless electronic reporting process the agreement will significantly reduce the burden of collection on all sellers. Once adopted by 10 States with at least 20 percent of the population, the Simplified Sales and Use Tax Act would give those States the authority to collect sales or use taxes equally from all retailers.

I understand that some have raised questions about how the small business exemption included in this legislation will be applied, and I intend to work with those interested parties to try to address this matter. However, sales and

use tax simplification is an important issue that Congress must address sooner rather than later. The legislation we introduce today is workable and strikes a fair balance between the interests of consumers, local retailers and remote sellers.

Mr. President, I urge my colleagues to support this much-needed bipartisan legislation.

By Mr. WYDEN:

S. 1737. A bill to amend the Clayton Act to enhance the authority of the Federal Trade Commission or the Attorney General to prevent anticompetitive practices in tightly concentrated gasoline markets; to the Committee on the Judiciary.

Mr. WYDEN. Mr. President, it's time to bring competition back into our Nation's gasoline markets. Across America, gasoline prices have recently soared to the highest levels ever. Right now, gasoline costs 12 cents more than it did at this time last year. In my home State of Oregon, folks are paying a whopping 32 cents more per gallon than in October of last year.

Proven price manipulation is siphoning competition out of the gasoline markets and stealing money from Americans' wallets. It's time that government regulators opened their eyes to reality of rampant price manipulation by gas companies and protected American consumers from getting pummeled at the pump. That's why today I am introducing the Gasoline Free Market Competition Act.

Every extra penny Americans spend on the artificially inflated price of gasoline is a penny they aren't spending on other things—like clothes, groceries, or other consumer items. The difference is that buying a new washer dryer helps create jobs; paying extra for gas only creates a fatter bottom line for oil companies, nothing more.

With people losing their jobs and the economy in sorry shape, Congress should act right now to protect the American people from oil company price gouging. Artificially inflated gas prices hurt American families three ways: it steals dollars from their pocketbooks, slows down job creation, and often raises the price of the goods families need to buy due to increased transport costs.

Folks are looking to Congress to address gasoline price spikes and industry pricing policies that can't always be explained away by the market. But as the American people have called out for relief, the Federal government has stayed silent—refusing to respond in any meaningful way to the gas price crisis.

The Secretary of Energy says he's conducting an informal investigation to look into the issue. But under current law, the Department of Energy has no power to do anything about gasoline prices.

On the other hand, the Federal Trade Commission (FTC) does have the power to protect consumers from gas price manipulation. Yet they've done almost nothing. They turned aside evidence of serious, documented anti-consumer practices—such as redlining and zone price—that inflate gas prices. They've argued that they can only prosecute if they find out-and-out collusion, setting out a standard that is almost impossible to prove against savvy oil interests.

You can see the results of the FTC's inaction at gas stations in Oregon and all across America. Nationwide, gasoline markets in Oregon and at least 27 other States are now considered to be ''tight oligopolies'' with 4 companies controlling more than 60 percent of the gasoline supplies. The problem is particularly dire in the West, where California, Oregon, Washington and Idaho are four of the top six States for high gas prices today.

In these tightly concentrated markets, numerous studies have found oil company practices are driving independent wholesalers and dealers out of the market. One practice they employ, called ''redlining,'' limits where independent distributors can sell their gasoline. As a result, independent stations must buy their gasoline directly from the oil company, usually at a higher price than the company's own brand-name stations pay. With these higher costs, the independent stations can't compete.

Redlining is just the tip of the iceberg. Investigations have also found oil companies controlling not just stations' buying choices, but also distributors' selling prices. Companies engage in a practice called zone pricing, basing prices not on the cost of producing gasoline, but on the maximum a neighborhood will pay. They have squeezed out smaller refineries that could increase supply and introduce new competitions. They have exported gasoline and oil to Asia at rock-bottom prices, making up their profits by sticking West Coast consumers with the difference. So, stopping one anti-competitive practice, by itself, won't get the job done.

The solution is to update antitrust law to prohibit anti-competitive practices by single companies in concentrated markets. The current standard of collusion is unenforceable. Smart oil companies will never hole up in a room and collude to set prices; they don't need to.

Chevron/Texaco's North American President David Reeves admitted to a congressional panel that the West Coast gasoline market is so dominated by a limited number of large committed refinery/marketers whose individual actions can have significant market impact.

Here's how the Gasoline Free Market Competition Act would tackle the problem. First, the Federal Government would establish consumer watch zones for concentrated gasoline markets. Where control is concentrated, supplies can be manipulated, and competition restricted with ease. Where that capability is ready-made, the FTC should watch markets more carefully.

Oil companies employing anti-competitive practices in consumer watch zones should have to prove they're not hurting consumers. The whole litany of anti-competitive practices should be considered presumptively illegal. That includes exporting at a discount and pressuring independents—all the practices that manipulate supply or limit competition.

Consumer watch zones would also be empowerment zones for quick action by the FTC. In these zones, the agency could issue cease and desist orders to companies participating in these anti-competitive practices, forcing them to stop gouging consumers.

These legislative proposals are first steps toward bringing back competition to the Nation's gasoline markets. Congress should act now to address the problem of skyrocketing gasoline prices—because even the oil companies admit the market won't solve the problem on its own. Last month, a report by the Rand Corporation revealed that even oil industry officials are predicting more price volatility in the future. That means consumers can expect more frequent and larger price spikes in the next few years.

I have spent years documenting unethical and anti-competitive practices in this country's gasoline markets—practices that have driven prices up and driven consumers crazy at the pump. The American people deserve relief from high gas prices and the Congress should act on their behalf.

By Mr. DODD:

S. 1738. A bill to reauthorize the Defense Production Act of 1950, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Defense Production Act Reauthorization of 2003''.

SEC. 2. REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) IN GENERAL.—The 1st sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended—

(1) by striking ''sections 708'' and inserting ''sections 707, 708,''; and

(2) by striking ''September 30, 2003'' and inserting ''September 30, 2004''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking ''through 2003'' and inserting ''through 2004''.

SEC. 3. RESOURCE SHORTFALL FOR RADIATION-HARDENED ELECTRONICS.

(a) IN GENERAL.—Notwithstanding the limitation contained in section 303(a)(6)(C) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)(6)(C)), the President may take actions under section 303 of the Defense Production Act of 1950 to correct the industrial resource shortfall for radiation-hardened

electronics, to the extent that such Presidential actions do not cause the aggregate outstanding amount of all such actions to exceed $200,000,000.

(b) REPORT BY THE SECRETARY.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing—

(1) the current state of the domestic industrial base for radiation-hardened electronics;

(2) the projected requirements of the Department of Defense for radiation-hardened electronics;

(3) the intentions of the Department of Defense for the industrial base for radiation-hardened electronics; and

(4) the plans of the Department of Defense for use of providers of radiation-hardened electronics beyond the providers with which the Department had entered into contractual arrangements under the authority of the Defense Production Act of 1950, as of the date of the enactment of this Act.

SEC. 4. CLARIFICATION OF PRESIDENTIAL AUTHORITY.

Subsection (a) of section 705 of the Defense Production Act of 1950 (50 U.S.C. App. 2155(a)) is amended by inserting after the end of the 1st sentence the following new sentence: ''The authority of the President under this section includes the authority to obtain information in order to perform industry studies assessing the capabilities of the United States industrial base to support the national defense.''.

SEC. 5. CRITICAL INFRASTRUCTURE PROTECTION AND RESTORATION.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) by redesignating paragraphs (3) through (17) as paragraphs (4) through (18), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

''(3) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' means any systems and assets, whether physical or cyber-based, so vital to the United States that the degradation or destruction of such systems and assets would have a debilitating impact on national security, including, but not limited to, national economic security and national public health or safety.''; and

(3) in paragraph (14) (as so redesignated by paragraph (1) of this section), by inserting ''and critical infrastructure protection and restoration'' before the period at the end of the last sentence.

SEC. 6. REPORT ON CONTRACTING WITH MINORITY- AND WOMEN-OWNED BUSINESSES.

(a) REPORT REQUIRED.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the extent to which contracts entered into during the fiscal year ending before the end of such 1-year period under the Defense Production Act of 1950 have been contracts with minority- and women-owned businesses.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall include the following:

(1) The types of goods and services obtained under contracts with minority- and women-owned businesses under the Defense Production Act of 1950 in the fiscal year covered in the report.

(2) The dollar amounts of such contracts.

(3) The ethnicity of the majority owners of such minority- and women-owned businesses.

(4) A description of the types of barriers in the contracting process, such as requirements for security clearances, that limit contracting opportunities for minority- and women-owned businesses, together with such recommendations for legislative or administrative action as the Secretary of Defense may determine to be appropriate for increasing opportunities for contracting with minority- and women-owned businesses and removing barriers to such increased participation.

(c) DEFINITIONS.—For purposes of this section, the terms ''women-owned business'' and ''minority-owned business'' have the meanings given such terms in section 21A(r) of the Federal Home Loan Bank Act, and the term ''minority'' has the meaning given such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

SEC. 7. COMMERCE RESPONSIBILITIES REGARDING CONSULTATION WITH FOREIGN NATIONS.

(a) OFFSETS IN DEFENSE PROCUREMENTS.—Section 123(c) of the Defense Production Act Amendments of 1992 (50 U.S.C. App. 2099 note) is amended to read as follows:

''(c) NEGOTIATIONS.—

''(1) INTERAGENCY TEAM.—It is the policy of Congress that the President shall designate the Secretary of Commerce to lead, in coordination with the Secretary of State, an interagency team to negotiate with foreign nations the elimination of offset arrangements, industrial participation, or similar arrangements in defense procurement. The President shall transmit an annual report on the results of these negotiations to the Congress as part of the report required under section 309(a) of the Defense Production Act of 1950.

''(2) RECOMMENDATIONS FOR MODIFICATIONS.—Pending the elimination of the arrangements described in paragraph (1), the interagency team shall submit to the Secretary of Defense any recommendations for modifications of a memorandum of understanding entered into under section 2531 of title 10, United States Code, or a related agreement that the team considers to be an appropriate response to a contractual offset, industrial participation, or similar arrangement that is entered into under the policy to which section 2532 of such title applies.

''(3) NOTIFICATION TO USTR REGARDING OFFSETS.—If the interagency team determines that a foreign country is pursuing a policy on contractual offset arrangements, industrial participation arrangements, or similar arrangements in connection with the purchase of defense equipment or supplies that requires compensation for the purchase in the form of nondefense or dual-use equipment or supplies in a value greater than the defense equipment or supplies, the team shall notify the United States Trade Representative of that determination. Upon receipt of the notification, the United States Trade Representative shall treat the policy and each such arrangement as an act, policy, or practice by the foreign country that is unjustifiable and burdens or restricts United States commerce for purposes of section 304(a)(1) of the Trade Act of 1974 (19 U.S.C. 2414(a)(1)), and shall take appropriate action under title III of such Act with respect to such country.''.

(b) REPORT ON EFFECTS OF FOREIGN CONTRACTS ON DOMESTIC CONTRACTORS.—Section 309(d)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 2099(d)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end; and

(2) in subparagraph (E), by striking the period at the end and inserting the following: ''; and

''(F) a compilation of data delineating—

''(i) the impact of foreign contracts that have been awarded through offsets, industrial participation agreements, or similar arrangements, on domestic prime contractors, and at least the first three tiers of subcontractors; and

''(ii) details of contracts with foreign 1st, 2nd, and 3rd tier subcontractors awarded through offsets, industrial participation agreements, or similar arrangements.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 243—DESIGNATING THE WEEK OF OCTOBER 19, 2003, THROUGH OCTOBER 25, 2003, AS ''NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK''

Mr. REED (for himself, Mr. BAYH, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. CARPER, Mr. CHAFEE, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HAGEL, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TALENT, and Mr. THOMAS) submitted the following resolution; which was considered and agreed to:

S. RES. 243

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 434,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are 8 times more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 19, 2003, through October 25, 2003, as ''National Childhood Lead Poisoning Prevention Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate programs and activities.